

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD HALL,)	2:11-CV-01515-PMP-VCF
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
WYNDHAM VACATION)	
OWNERSHIP, INC., <i>et al.</i> ,)	
)	
Defendant.)	

Having considered the arguments presented by counsel at the hearing on Defendant's fully briefed Motion to Strike Plaintiff's Jury Demand (Doc. #10) conducted December 6, 2011, the Court finds Defendant's Motion must be granted.

Under Nevada law, contractual jury trial waivers are valid and enforceable provided the waiver is knowing and voluntarily made. *Lowe Enterprises Residential Partners, L.P. v. The Eighth Judicial District Court of the State of Nevada*, 118 Nev. 92, 98-100 (2002). Here, the Employment Application signed by Plaintiff on January 2, 2008 contained the following plain language in bold just above the signature line:

"Should I become employed, as a condition of my employment, I agree to waive my right to a trial by jury in any action or proceeding involving any claim, whether statutory or at a common law related to or arising out of my employment or the termination of employment, including claims of discrimination. I understand that I am waiving my right to a jury trial voluntarily and knowingly and free from duress or coercion. I understand that I have the right to consult with a person of my choosing, including an attorney, before signing this document."

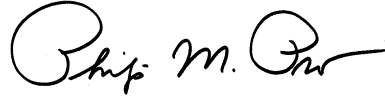
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1 The Court finds that when Defendant employed Plaintiff, it accepted Plaintiff's
2 offer to waive his right to a jury trial thereby creating a binding and enforceable unilateral
3 contract with regard to the jury trial waiver. Under the circumstances presented, the Court
4 finds no basis to conclude Plaintiff's agreement to waive a jury trial was either unknowing
5 or involuntary. *Phoenix Leasing, Inc. v. Sure Broad Inc.*, 843 F. Supp. 1379 (D. Nev.
6 1994).

7 **IT IS THEREFORE ORDERED** that Defendant's Motion to Strike Jury
8 Demand (Doc. #10) is **GRANTED**.

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10 DATED: December 7, 2011.

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PHILIP M. PRO
United States District Judge
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